

Express Terms

Minimum Standards for Local Detention Facilities Title 15-Crime Prevention and Corrections Division 1, Chapter 1, Subchapter 4

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1006. Definitions.

The following definitions shall apply:

"Administering Medication," as it relates to managing legally obtained drugs, means the act by which a single dose of medication is given to a patient. The single dose of medication may be taken either from stock (undispensed), or dispensed supplies.

"Administrative segregation" means the physical separation of different types of inmates from each other as specified in Penal Code Sections 4001 and 4002, and Section 1053 of these regulations. Administrative segregation is accomplished to provide that level of control and security necessary for good management and the protection of staff and inmates.

"Alternate means of compliance" means a process for meeting or exceeding standards in an innovative way, after a pilot project evaluation, approved by the Corrections Standards Authority pursuant to an application.

"Average daily population" means the average number of inmates housed daily during the last fiscal year.

"Clinical evaluation" means an assessment of a person's physical and/or mental health condition conducted by licensed health personnel operating within recognized scope of practice specific to their profession and authorized by a supervising physician or psychiatrist.

"Concept drawings" means, with respect to a design-build project, any drawings or architectural renderings that may be prepared, in addition to performance criteria, in such detail as the agency determines necessary to sufficiently describe the agency's needs.

"Contact" means any physical or sustained sight or sound contact between juveniles in detention and incarcerated adults. Sight contact is clear visual contact between adult inmates and juveniles within close proximity to each other. Sound contact is direct oral communication between adult inmates and juvenile offenders.

"Corrections Standards Authority" means the State Corrections Standards Authority, ~~which~~ whose board acts by and through its executive director, deputy directors, and field representatives.

"Court Holding facility" means a local detention facility constructed within a court building after January 1, 1978, used for the confinement of persons solely for the purpose of a court appearance for a period not to exceed 12 hours.

"Custodial personnel" means those officers with the rank of deputy, correctional officer, patrol persons, or other equivalent sworn or civilian rank whose ~~primary~~ duties include ~~are~~ the supervision of inmates.

"Delivering Medication," as it relates to managing legally obtained drugs, means the act of providing one or more doses of a prescribed and dispensed medication to a patient.

"Design-bid-build" means a construction procurement process independent of the design process and in which the construction of a project is procured based on completed construction documents.

"Design-build" means a construction procurement process in which both the design and construction of a project are procured from a single entity.

"Developmentally disabled" means those persons who have a disability which originates before an individual attains age 18, continues, or can be expected to continue indefinitely, and constitutes a substantial disability for that individual. This term includes mental retardation, cerebral palsy, epilepsy, and autism, as well as disabling conditions found to be closely related to mental retardation or to require treatment similar to that required for mentally retarded individuals.

"Direct visual observation" means direct personal view of the inmate in the context of his/her surroundings without the aid of audio/video equipment. Audio/video monitoring may supplement but not substitute for direct visual observation.

"Disciplinary isolation" means that punishment status assigned an inmate as the result of violating facility rules and which consists of confinement in a cell or housing unit separate from regular jail inmates.

"Dispensing," as it relates to managing legally obtained drugs, means the interpretation of the prescription order, the preparation, repackaging, and labeling of the drug based upon a prescription from a physician, dentist, or other prescriber authorized by law.

"Disposal," as it relates to managing legally obtained drugs, means the destruction of medication or its return to the manufacturer or supplier.

"Emergency" means any significant disruption of normal facility procedure, policies, or activities caused by a riot, fire, earthquake, attack, strike, or other emergent condition.

"Emergency medical situations" means those situations where immediate services are required for the alleviation of severe pain, or immediate diagnosis and treatment of unforeseeable medical conditions are required, if such conditions would lead to serious disability or death if not immediately diagnosed and treated.

"Exercise" means physical exertion of large muscle groups.

"Facility/system administrator" means the sheriff, chief of police, chief probation officer, or other official charged by law with the administration of a local detention facility/system.

"Facility manager" means the jail commander, camp superintendent, or other comparable employee who has been delegated the responsibility for operating a local detention facility by a facility administrator.

"Facility watch commander" means the individual designated by the facility manager to make operational decisions during his/her tour of duty.

"Health authority" means that individual or agency that is designated with responsibility for health care policy pursuant to a written agreement, contract or job description. The health authority may be a physician, an individual or a health agency. In those instances where medical and mental health services are provided by separate entities, decisions regarding mental health services shall be made in cooperation with the mental health director. When this authority is other than a physician, final clinical decisions rest with a single designated responsible physician.

"Health care" means medical, mental health and dental services.

"Jail," as used in Article 8, means a Type II or III facility as defined in the "Minimum Standards for Local Detention Facilities."

"Labeling," as it relates to managing legally obtained drugs, means the act of preparing and affixing an appropriate label to a medication container.

"Law enforcement facility" means a building that contains a Type I Jail, Temporary Holding Facility, or Lockup. It does not include a Type II or III jail, which has the purpose of detaining adults, charged with criminal law violations while awaiting trial or sentenced adult criminal offenders.

"Legend drugs" are any drugs defined as "dangerous drugs" under Chapter 9, Division 2, Section 4211 of the California Business and Professions Code. These drugs bear the legend, "Caution Federal Law Prohibits Dispensing Without a Prescription." The Food and Drug Administration (FDA) has determined because of toxicity or other potentially harmful effects, that these drugs are not safe for use except under the supervision of a health care practitioner licensed by law to prescribe legend drugs.

~~"Licensed health personnel" includes but is not limited to the following classifications of personnel: physician/psychiatrist, dentist, pharmacist, physician's assistant, registered~~

~~nurse/nurse practitioner/public health nurse, licensed vocational nurse, and psychiatric technician.~~

"Living areas" means those areas of a facility utilized for the day-to-day housing and activities of inmates. These areas do not include special use cells such as sobering, safety, and holding or staging cells normally located in receiving areas.

"Local detention facility" means any city, county, city and county, or regional jail, camp, court holding facility, or other correctional facility, whether publicly or privately operated, used for confinement of adults or of both adults and minors, but does not include that portion of a facility for confinement of both adults and minors which is devoted only to the confinement of minors.

"Local detention system" means all of the local detention facilities that are under the jurisdiction of a city, county or combination thereof whether publicly or privately operated. Nothing in the standards are to be construed as creating enabling language to broaden or restrict privatization of local detention facilities beyond that which is contained in statute.

"Local Health Officer" means that licensed physician who is appointed pursuant to Health and Safety Code Section 101000 to carry out duly authorized orders and statutes related to public health within their jurisdiction.

"Lockup" means a locked room or secure enclosure under the control of a peace officer or custodial officer that is primarily used for the temporary confinement of adults who have recently been arrested; sentenced prisoners who are inmate workers may reside in the facility to carry out appropriate work.

~~"Managerial custodial personnel" means the jail commander, camp superintendent, or other comparable employee who has been delegated the responsibility for operating a local detention facility by a facility administrator.~~

"May" is permissive; "shall" is mandatory.

"Mental Health Director," means that individual who is designated by contract, written agreement or job description, to have administrative responsibility for the facility or system mental health program.

"Non-secure custody" means that a minor's freedom of movement in a law enforcement facility is controlled by the staff of the facility; and

- (1) the minor is under constant direct visual observation by the staff;
- (2) the minor is not locked in a room or enclosure; and,

(3) the minor is not physically secured to a cuffing rail or other stationary object.

"Non-sentenced inmate," means an inmate with any pending local charges or one who is being held solely for charges pending in another jurisdiction.

"Over-the-counter (OTC) Drugs," as it relates to managing legally obtained drugs, are medications which do not require a prescription (non-legend).

"People with disabilities" includes, but is not limited to, persons with a physical or mental impairment that substantially limits one or more of their major life activities or those persons with a record of such impairment or perceived impairment that does not include substance use disorders resulting from current illegal use of a controlled substance.

"Performance criteria" means, with respect to a design-build project, the information that fully describes the scope of the proposed project and includes, but is not limited to, the size, type, and design character of the buildings and site; the required form, fit, function, operational requirements and quality of design, materials, equipment and workmanship; and any other information deemed necessary to sufficiently describe the agency's needs; including documents prepared pursuant to paragraph (1) of subdivision (d) of Section 20133 of the Public Contract Code.

"Pilot Project" means an initial short-term method to test or apply an innovation or concept related to the operation, management or design of a local detention facility pursuant to application to, and approval by, the Corrections Standards Authority.

"Preliminary drawings" means, with respect to a design-build project, a site plan, architectural floor plans, elevations, outline specifications and a cost estimate for each utility, site development, conversion, and remodeling project. The drawings shall be sufficiently descriptive to accurately convey the location, scope, cost and the nature of the improvement being proposed.

"Procurement," as it relates to managing legally obtained drugs, means the system for ordering and obtaining medications for facility stock.

"Psychotropic medication" means any medication prescribed for the treatment of symptoms of psychoses and other mental and emotional disorders.

"Rated capacity" means the number of inmate occupants for which a facility's single and double occupancy cells or dormitories, except those dedicated for health care or disciplinary isolation housing, were planned and designed in conformity to the standards and requirements contained in Title 15 and in Title 24.

"Regional Center for Developmentally Disabled" means those private agencies throughout the state, funded through the Department of Developmental Services, which assure provision of services to persons with developmental disabilities. Such centers will be referred to as regional centers in these regulations.

"Remodel" means to alter the facility structure by adding, deleting, or moving any of the buildings' components thereby affecting any of the spaces specified in Title 24, Part 2, Section 1231.

"Repackaging," as it relates to managing legally obtained drugs, means the transferring of medications from the original manufacturers' container to another properly labeled container.

"Repair" means to restore to original condition or replace with like-in-kind.

"Safety checks" means ~~regular, intermittent and prescribed~~ direct, visual observation performed at random intervals within timeframes prescribed in these regulations to provide for the health and welfare of inmates.

"Secure ~~detention~~ custody" means that a minor being held in temporary custody in a law enforcement facility is locked in a room or enclosure and/or is physically secured to a cuffing rail or other stationary object.

"Security glazing" means a glass/polycarbonate composite glazing material designed for use in detention facility doors and windows and intended to withstand measurable, complex loads from deliberate and sustained attacks in a detention environment.

"Sentenced inmate," means an inmate that is sentenced on all local charges.

"Shall" is mandatory; "may" is permissive.

"Sobering cell" as referenced in Section 1056, refers to an initial "sobering up" place for arrestees who are sufficiently intoxicated from any substance to require a protected environment to prevent injury by falling or victimization by other inmates.

"Storage," as it relates to legally obtained drugs, means the controlled physical environment used for the safekeeping and accounting of medications.

"Supervision in a law enforcement facility" means that a minor is being directly observed by the responsible individual in the facility to the extent that immediate intervention or other required action is possible.

"Supervisory custodial personnel" means those staff members whose duties include direct supervision of custodial personnel.

"Temporary custody" means that the minor is not at liberty to leave the law enforcement facility.

"Temporary Holding facility" means a local detention facility constructed after January 1, 1978, used for the confinement of persons for 24 hours or less pending release, transfer to another facility, or appearance in court.

"Type I facility" means a local detention facility used for the detention of persons for not more than 96 hours excluding holidays after booking. Such a Type I facility may also detain persons on court order either for their own safekeeping or sentenced to a city jail as an inmate worker, and may house inmate workers sentenced to the county jail provided such placement in the facility is made on a voluntary basis on the part of the inmate. As used in this section, an inmate worker is defined as a person assigned to perform designated tasks outside of his/her cell or dormitory, pursuant to the written policy of the facility, for a minimum of four hours each day on a five day scheduled work week.

"Type II facility" means a local detention facility used for the detention of persons pending arraignment, during trial, and upon a sentence of commitment.

"Type III facility" means a local detention facility used only for the detention of convicted and sentenced persons.

"Type IV facility" means a local detention facility or portion thereof designated for the housing of inmates eligible under Penal Code Section 1208 for work/education furlough and/or other programs involving inmate access into the community.

"Working drawings" means, with respect to a design-build project, a complete set of plans and specifications showing and describing all phases of a project, architectural, structural, mechanical, electrical, civil engineering and landscaping systems to the degree necessary for the purposes of accurate bidding by contractors and for the use of artisans in constructing the project.

NOTE: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

1007. Pilot Projects.

The pilot project is the short-term method used by a local detention facility/system, approved by the Corrections Standards Authority, to evaluate innovative programs, operations or concepts which meet or exceed the intent of these regulations.

The Corrections Standards Authority may, upon application of a city, county or city and county, grant pilot project status to a program, operational innovation or new concept

related to the operation and management of a local detention facility. An application for a pilot project shall include, at a minimum, the following information:

- (a) The regulations which the pilot project will affect.
- (b) Review of case law, including any lawsuits brought against the applicant local detention facility, pertinent to the proposal.
- (c) The applicant's history of compliance or non-compliance with standards.
- (d) A summary of the "totality of conditions" in the facility or facilities, including but not limited to;
 - (1) program activities, exercise and recreation;
 - (2) adequacy of supervision;
 - (3) types of inmates affected; and,
 - (4) inmate classification procedures.
- (e) A statement of the goals the pilot project is intended to achieve, the reasons a pilot project is necessary and why the particular approach was selected.
- (f) The projected costs of the pilot project and projected cost savings to the city, county, or city and county, if any.
- (g) A plan for developing and implementing the pilot project including a time line where appropriate.
- (h) A statement of how the overall goal of providing safety to staff and inmates will be achieved.

The Corrections Standards Authority shall consider applications for pilot projects based on the relevance and appropriateness of the proposed project, the completeness of the information provided in the application, and staff recommendations.

Within 10 working days of receipt of the application, ~~Board~~ Corrections Standards Authority staff will notify the applicant, in writing, that the application is complete and accepted for filing, or that the application is being returned as deficient and identifying what specific additional information is needed. This does not preclude the Corrections Standards Authority members from requesting additional information necessary to make a determination that the pilot project proposed actually meets or exceeds the intent of these regulations at the time of the hearing. When complete, the application will be placed on the agenda for the Corrections Standards Authority Board's consideration at a regularly scheduled meeting. The written notification from the Board to the applicant shall also include the date, time and location of the meeting at which the application will be considered. (The Corrections Standards Authority Board meeting schedule for the current calendar year is available through its office in Sacramento.)

When an application for a pilot project is approved by the Corrections Standards Authority ~~Board~~, the Board ~~Corrections Standards Authority~~ staff shall notify the applicant, in writing within 10 working days of the meeting, of any conditions included in the approval and the

time period for the pilot project. Regular progress reports and evaluative data on the success of the pilot project in meeting its goals shall be provided to the Board. If disapproved, the applicant shall be notified in writing, within 10 working days of the meeting, the reasons for said disapproval. This application approval process may take up to 90 days from the date of receipt of a complete application.

Pilot project status granted by the Corrections Standards Authority shall not exceed twelve months after its approval date. When deemed to be in the best interest of the application, the Corrections Standards Authority may extend the expiration date for up to an additional twelve months. Once a city, county, or city and county successfully completes the pilot project evaluation period and desires to continue with the program, it may apply for an alternate means of compliance as described in Section 1008 of these regulations.

NOTE: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

1008. Alternate Means of Compliance.

The alternate means of compliance is the long-term method used by a local detention facility/system, approved by the Corrections Standards Authority, to encourage responsible innovation and creativity in the operation of California's local detention facilities. The Corrections Standards Authority may, upon application of a city, county, or city and county, consider alternate means of compliance with these regulations after the pilot project process has been successfully evaluated (as defined in Section 1007). The city, county, or city and county must present the completed application to the Corrections Standards Authority no later than 30 days prior to the expiration of its pilot project.

Applications for alternate means of compliance must meet the spirit and intent of improving jail management, shall be equal to or exceed the existing standard(s) and shall include reporting and evaluation components. An application for alternate means of compliance shall include, at a minimum, the following information:

- (a) Review of case law, including any lawsuits brought against the applicant local detention facility, pertinent to the proposal.
- (b) The applicant's history of compliance or non-compliance with standards.
- (c) A summary of the "totality of conditions" in the facility or facilities, including but not limited to:
 - (1) program activities, exercise and recreation;
 - (2) adequacy of supervision;
 - (3) types of inmates affected; and,
 - (4) inmate classification procedures.

- (d) A statement of the problem the alternate means of compliance is intended to solve, how the alternative will contribute to a solution of the problem and why it is considered an effective solution.
- (e) The projected costs of the alternative and projected cost savings to the city, county, or city and county if any.
- (f) A plan for developing and implementing the alternative including a time line where appropriate.
- (g) A statement of how the overall goal of providing safety to staff and inmates was achieved during the pilot project evaluation phase (Section 1007).

The Corrections Standards Authority shall consider applications for alternate means of compliance based on the relevance and appropriateness of the proposed alternative, the completeness of the information provided in the application, the experiences of the jurisdiction during the pilot project, and staff recommendations.

Within 10 working days of receipt of the application, ~~Board~~ [Corrections Standards Authority](#) staff will notify the applicant, in writing, that the application is complete and accepted for filing, or that the application is being returned as deficient and identifying what specific additional information is needed. This does not preclude the Corrections Standards Authority ~~Board members~~ from requesting additional information necessary to make a determination that the alternate means of compliance proposed meets or exceeds the intent of these regulations at the time of the hearing. When complete, the application will be placed on the agenda for the [Corrections Standards Authority](#) Board's consideration at a regularly scheduled meeting. The written notification from the Board to the applicant shall also include the date, time and location of the meeting at which the application will be considered. (The [Corrections Standards Authority](#) Board meeting schedule for the current calendar year is available through its office in Sacramento.)

When an application for an alternate means of compliance is approved by the Corrections Standards Authority ~~Board~~, ~~the Board~~ [Corrections Standards Authority staff](#) shall notify the applicant, in writing within 10 working days of the meeting, of any conditions included in the approval and the time period for which the alternate means of compliance shall be permitted. The Corrections Standards Authority may require regular progress reports and evaluative data as to the success of the alternate means of compliance. If disapproved, the applicant shall be notified in writing, within 10 working days of the meeting, the reasons for said disapproval. This application approval process may take up to 90 days from the date of receipt of a complete application.

The Corrections Standards Authority may revise the minimum jail standards during the next biennial review (reference Penal Code Section 6030) based on data and information

obtained during the alternate means of compliance process. If, however, the alternate means of compliance does not have universal application, a city, county, or city and county may continue to operate under this status as long as they meet the terms of this regulation.

NOTE: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

1012. Emergency Suspensions of Standards or Requirements.

Nothing contained herein shall be construed to deny the power of any facility administrator to temporarily suspend any standard or requirement herein prescribed in the event of any emergency which threatens the safety of a local detention facility, its inmates or staff, or the public. Only such regulations directly affected by the emergency may be suspended. The facility administrator shall notify the Corrections Standards Authority in writing in the event that such a suspension lasts longer than three days. ~~In no event shall such a suspension continue more than 15 days without the approval of the chairperson of the Corrections Standards Authority for a time specified by him/her.~~ Suspensions lasting for more than 15 days require approval of the chairperson of the Corrections Standards Authority. Such approval shall be effective for the time specified by the chairperson.

NOTE: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

1013. Criminal History Information.

Such criminal history information as is necessary for ~~the conduct of~~ conducting facility inspections as specified in Section 6031.1 of the Penal Code and detention needs surveys as specified in Section 6029 of the Penal Code shall be made available to the staff of the Corrections Standards Authority. Such information shall be held confidential except that published reports may contain such information in a form which does not identify an individual.

NOTE: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

1024. Court Holding and Temporary Holding Facility Training.

Custodial personnel who are responsible for supervising inmates in, and supervisors of, a Court Holding or Temporary Holding facility shall complete 8 hours of specialized training.

Such training shall include, but not be limited to:

- (a) applicable minimum jail standards;
- (b) jail operations liability;
- (c) inmate segregation;
- (d) emergency procedures and planning; and,

(e) suicide prevention.

Such training shall be completed as soon as practical, but in any event not more than six months after the date of assigned responsibility, or the effective date of this regulation.

Successful completion of Core training or supplemental Core training may be substituted for the initial eight hours of training.

Eight hours of refresher training shall be completed once every two years. Successful completion of the requirements in Section 1025, Continuing Professional Training may be substituted for the eight hour refresher.

Each agency shall determine if additional training is needed based upon, but not limited to, the complexity of the facility, the number of inmates, the employees' level of experience and training, and other relevant factors.

NOTE: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

1032. Fire Suppression Preplanning.

Pursuant to Penal Code Section 6031.1(b), the facility administrator shall consult with the local fire department having jurisdiction over the facility, with the State Fire Marshal, or both, in developing a plan for fire suppression which shall include, but not be limited to:

- (a) a fire suppression pre-plan by-developed with the local fire department to be included as part of the policy and procedures manual ~~of policy and procedures~~ (Title 15, California Code of Regulations Section 1029);
- (b) regular fire prevention inspections by facility staff on a monthly basis with two year retention of the inspection record;
- (c) fire prevention inspections as required by Health and Safety Code Section 13146.1(a) and (b) which requires inspections at least once every two years;
- (d) an evacuation plan; and,
- (e) a plan for the emergency housing of inmates in the case of fire.

NOTE: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

1044. Incident Reports.

Each facility administrator shall develop written policies and procedures for the maintenance of written records and reporting of all incidents which result in physical harm, or serious threat of physical harm, to an employee or inmate of a detention facility or

other person. Such records shall include the names of the persons involved, a description of the incident, the actions taken, and the date and time of the occurrence. Such a written record shall be prepared by the staff assigned to investigate the incident and submitted to the facility manager or his/her designee, ~~within 24 hours of the event of an incident.~~

NOTE: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

1046. Death in Custody.

(a) Death in Custody Reviews for Adults and Minors.

The facility administrator, in cooperation with the health administrator, shall develop written policy and procedures to assure that there is a review of every in-custody death. The review team shall include the facility administrator and/or the facility manager, the health administrator, the responsible physician and other health care and supervision staff who are relevant to the incident.

(b) Death of a Minor

In any case in which a minor dies while detained in a jail, lockup, or court holding facility:

(1) The administrator of the facility shall provide to the Corrections Standards Authority a copy of the report submitted to the Attorney General under Government Code Section 12525. A copy of the report shall be submitted ~~to the Board~~ within 10 calendar days after the death.

(2) Upon receipt of a report of death of a minor from the administrator, the ~~Board~~ Corrections Standards Authority may within 30 calendar days inspect and evaluate the jail, lockup, or court holding facility pursuant to the provisions of this subchapter. Any inquiry made by the ~~Board~~ Corrections Standards Authority shall be limited to the standards and requirements set forth in these regulations.

NOTE: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

1051. Communicable Diseases.

The facility administrator, in cooperation with the responsible physician, shall develop written policies and procedures specifying those symptoms that require segregation of an inmate until a medical evaluation is completed. ~~which require that all inmates with suspected communicable diseases shall be segregated until a medical evaluation is completed. To determine if such segregation shall be made in the absence of medically~~

~~trained personnel at~~ At the time of intake into the facility, an inquiry shall be made of the person being booked as to whether or not he/she has or has had any communicable diseases or has observable symptoms of communicable diseases, including but not limited to, tuberculosis, other airborne diseases, or other special medical problem identified by the health authority. The response shall be noted on the booking form and/or screening device.

NOTE: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

1055. Use of Safety Cell.

The safety cell described in Title 24, Part 2, Section 1231.2.5, shall be used to hold only those inmates who display behavior which results in the destruction of property or reveals an intent to cause physical harm to self or others. The facility administrator, in cooperation with the responsible physician, shall develop written policies and procedures governing safety cell use and may delegate authority to place an inmate in a safety cell to a physician.

In no case shall the safety cell be used for punishment or as a substitute for treatment.

An inmate shall be placed in a safety cell only with the approval of the facility manager, the facility watch commander, or the designated physician. ~~Continued retention in a safety cell~~ shall be reviewed a minimum of every eight hours. A medical assessment shall be completed within a maximum of 12 hours of placement in the safety cell or at the next daily sick call, whichever is earliest. The inmate shall be medically cleared for continued retention every 24 hours thereafter. A mental health opinion on placement and retention shall be secured within 24 hours of placement. Direct visual observation shall be conducted at least twice every thirty minutes. Such observation shall be documented.

Procedures shall be established to assure administration of necessary nutrition and fluids. Inmates shall be allowed to retain sufficient clothing, or be provided with a suitably designed "safety garment," to provide for their personal privacy unless specific identifiable risks to the inmate's safety or to the security of the facility are documented.

NOTE: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

1056. Use of Sobering Cell.

The sobering cell described in Title 24, Part 2, Section 1231.2.4, shall be used for the holding of inmates who are a threat to their own safety or the safety of others due to their state of intoxication and pursuant to written policies and procedures developed by the

facility administrator. Such inmates shall be removed from the sobering cell as they are able to continue in the processing. In no case shall an inmate remain in a sobering cell over six hours without an evaluation by a medical staff person or an evaluation by custody staff, pursuant to written medical procedures in accordance with section 1213 of these regulations, to determine whether the prisoner has an urgent medical problem. Intermittent direct visual observation of inmates held in the sobering cell shall be conducted no less than every half hour. Such observation shall be documented.

NOTE: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

1058. Use of Restraint Devices.

The facility administrator, in cooperation with the responsible physician, shall develop written policies and procedures for the use of restraint devices and may delegate authority to place an inmate in restraints to a physician. In addition to the areas specifically outlined in this regulation, at a minimum, the policy shall address the following areas: acceptable restraint devices; signs or symptoms which should result in immediate medical/mental health referral; availability of cardiopulmonary resuscitation equipment; protective housing of restrained persons; provision for hydration and sanitation needs; and exercising of extremities.

Restraint devices shall only be used on inmates who display behavior which results in the destruction of property or reveal an intent to cause physical harm to self or others. Restraint devices include any devices which immobilize an inmate's extremities and/or prevent the inmate from being ambulatory. Physical restraints should be utilized only when it appears less restrictive alternatives would be ineffective in controlling the disordered behavior.

Inmates shall be placed in restraints only with the approval of the facility manager, the facility watch commander, or the designated physician. ~~C~~ continued retention ~~in restraints~~ shall be reviewed a minimum of every two hours. A medical opinion on placement and retention shall be secured as soon as possible, but no later than four hours from the time of placement. The inmate shall be medically cleared for continued retention at least every six hours thereafter. A mental health consultation shall be secured as soon as possible, but in no case longer than eight hours from the time of placement, to assess the need for mental health treatment.

Direct visual observation shall be conducted at least twice every thirty minutes to ensure that the restraints are properly employed, and to ensure the safety and well-being of the

inmate. Such observation shall be documented. While in restraint devices all inmates shall be housed alone or in a specified housing area for restrained inmates which makes provisions to protect the inmate from abuse. In no case shall restraints be used for discipline, or as a substitute for treatment.

The provisions of this section do not apply to the use of handcuffs, shackles or other restraint devices when used to restrain inmates for security reasons.

NOTE: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

1059. DNA Collection, Use of Force.

(a) Pursuant to Penal Code Section 298.1, authorized law enforcement, custodial, or corrections personnel including peace officers, may employ reasonable force to collect blood specimens, saliva samples, or thumb or palm print impressions from individuals who are required to provide such samples, specimens or impressions pursuant to Penal Code Section 296 and who refuse following written or oral request.

(1) For the purpose of this regulation, the "use of reasonable force" shall be defined as the force that an objective, trained and competent correctional employee, faced with similar facts and circumstances, would consider necessary and reasonable to gain compliance with this regulation.

(2) The use of reasonable force shall be preceded by efforts to secure voluntary compliance. Efforts to secure voluntary compliance shall be documented and include an advisement of the legal obligation to provide the requisite specimen, sample or impression and the consequences of refusal.

(b) The force shall not be used without the prior written authorization of the facility watch commander ~~supervising officer~~ on duty. The authorization shall include information that reflects the fact that the offender was asked to provide the requisite specimen, sample, or impression and refused.

(c) If the use of reasonable force includes a cell extraction, the extraction shall be videotaped, including audio. Video shall be directed at the cell extraction event. The videotape shall be retained by the agency for the length of time required by statute. Notwithstanding the use of the video as evidence in a criminal proceeding, the tape shall be retained administratively.

Note: Authority cited: Sections 298.1 and 6030, Penal Code. Reference: Section 298.1, Penal Code.

1062. Visiting.

(a) The facility administrator shall develop written policies and procedures for inmate visiting which shall provide for as many visits and visitors as facility schedules, space, and number of personnel will allow. For sentenced inmates in Type I facilities and all inmates in Type II facilities there shall be allowed no fewer than two visits totaling at least one hour per inmate each week. In Type III and Type IV facilities there shall be allowed one or more visits, totaling at least one hour, per week.

(b) In Type I facilities, the facility administrator shall develop and implement written policies and procedures to allow ~~visitation~~visiting for non-sentenced detainees. The policies and procedures will include a schedule to assure that non-sentenced detainees will be afforded a visit no later than the calendar day following arrest.

(c) The visiting~~visitation~~ policies developed pursuant to this section shall include provision for visitation by minor children of the inmate.

NOTE: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

1063. Correspondence.

The facility administrator shall develop written policies and procedures for inmate correspondence which provide that:

(a) there is no limitation on the volume of mail that an inmate may send or receive;

(b) inmate ~~mail~~correspondence may be read when there is a valid security reason and the facility manager or his/her designee approves;

(c) jail staff shall not review inmate correspondence to or from state and federal courts, any member of the State Bar or holder of public office, and the State Corrections Standards Authority; however, jail authorities may open and inspect such mail only to search for contraband, cash, checks, or money orders and in the presence of the inmate;

(d) inmates may correspond, confidentially, with the facility manager or the facility administrator; and,

(e) those inmates who are without funds shall be permitted at least two postage paid letters each week to permit correspondence with family members and friends but without limitation on the number of postage paid letters to his or her attorney and to the courts.

NOTE: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

1069. Inmate Orientation.

(a) In Type II, III, and IV facilities, the facility administrator shall develop written policies and procedures for the implementation of a program reasonably understandable to inmates designed to orient a newly received inmate at the time of placement in a living area. Such a program shall be published and include, but not be limited to, the following:

- (1) correspondence, visiting, and telephone usage rules;
- (2) rules and disciplinary procedures;
- (3) inmate grievance procedures;
- (4) programs and activities available and method of application;
- (5) medical services;
- (6) classification/housing assignments; ~~and,~~
- (7) court appearance where scheduled, if known; ~~and,~~
- (8) voting, including registration.

(b) In Type I facilities, the facility administrator shall develop written policies and procedures for a program reasonably understandable to non-sentenced detainees to orient an inmate at the time of placement in a living area. Such a program shall be published and include, but not be limited to, the following:

- (1) rules and disciplinary procedures;
- (2) visiting rules;
- (3) availability of personal care items, opportunities for personal hygiene;
- (4) availability of reading and recreational materials; and,
- (5) medical/mental health procedures.

NOTE: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

1072. Religious Observances.

The facility administrator of a Type I, II, III or IV facility shall develop written policies and procedures to provide opportunities for inmates to participate in religious services, practices ~~-and~~ counseling on a voluntary basis.

NOTE: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

1080. Rules and Disciplinary Penalties.

Wherever discipline is administered, each facility administrator shall establish written rules and disciplinary penalties to guide inmate conduct. Such rules and disciplinary penalties shall be stated simply and affirmatively, and posted conspicuously in housing

units and the booking area or issued to each inmate upon booking. For those inmates who are illiterate or unable to read English, and for persons with disabilities, provision shall be made for the jail staff ~~to verbally~~ to instruct them verbally or provide them with material in an understandable form regarding jail rules and disciplinary procedures and penalties.

NOTE: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

1081. Plan for Inmate Discipline.

Each facility administrator shall develop written policies and procedures for inmate discipline which shall include, but not be limited to, the following elements:

(a) Designation of one or more subordinates who will act on all formal charges of violation of facility rules by inmates, and who shall have investigative and punitive powers. Staff so designated shall not participate in disciplinary review if they are involved in the charges.

(b) Minor acts of non-conformance or minor violations of institution rules may be handled informally by any staff member by counseling or advising the inmate of expected conduct, assignment to an extra work detail, or removal from a work assignment without loss of work time credit. In addition, temporary loss of privileges such as, but not limited to, access to television, telephones, or commissary, or lockdown for less than 24 hours, may be considered minor discipline if such acts are accompanied by written documentation, and a policy of review and appeal to a supervisor.

(c) Major violations or repetitive minor acts of non-conformance or repetitive minor violations of institutional rules shall be reported in writing by the staff member observing the act and submitted to the disciplinary officer. The inmate shall be informed of the charge(s) in writing. The consequences of a major violation may include, but are not limited to, loss of good time/work time, placement in disciplinary isolation, disciplinary isolation diet, or loss of privileges mandated by regulations. In addition:

(1) Charges pending against an inmate shall be acted on no sooner than 24 hours after the report has been submitted to the disciplinary officer and the inmate has been informed of the charges in writing. A violation(s) shall be acted on no later than 72 hours after an inmate has been informed of the charge(s) in writing. The inmate may waive the 24-hour limitation. The hearing may be postponed or continued for a reasonable time through a written waiver by the inmate or for good cause.

(2) The inmate shall be permitted to appear on his/her own behalf at the time of hearing.

(3) Subsequent to final disposition of disciplinary charges by the disciplinary officer, the charges and the action taken shall be reviewed by the facility manager or designee.

(4) The inmate shall be advised of the action taken by the disciplinary officer by a copy of the record required to be kept by Penal Code Section 4019.5.

(d) Nothing in this section precludes a facility administrator from administratively ~~removing-segregating~~ any inmate from the general population or program for reasons of personal, mental, or physical health, or under any circumstance in which the safety of the inmates, staff, program, or community is endangered, pending disciplinary action or a review as required by Section 1054 of these regulations.

NOTE: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

1083. Limitations on Disciplinary Actions.

The Penal Code and the State Constitution expressly prohibit all cruel ~~or~~and unusual punishment. Additionally, there shall be the following limitations:

(a) If an inmate is on disciplinary isolation status for 30 consecutive days there shall be a review by the facility manager before the disciplinary isolation status is continued. This review shall include a consultation with health care staff. Such reviews shall continue at least every fifteen days thereafter until the disciplinary status has ended. This review shall be documented.

(b) The disciplinary isolation cells or cell shall have the minimum furnishings and space specified in Title 24, Part 2, 1231.2.6 and 2.7. Occupants shall be issued clothing and bedding as specified in Articles 13 and 14 of these regulations and shall not be deprived of them through any portion of the day except that those inmates who engage in the destruction of bedding or clothing may be deprived of such articles. The decision to deprive inmates of such articles of clothing and bedding shall be reviewed by the facility manager or designee during each 24 hour period.

(c) Penal Code Section 4019.5 expressly prohibits the delegation of authority to any inmate or group of inmates to exercise the right of punishment over any other inmate or group of inmates.

(d) In no case shall a safety cell, as specified in Title 24, Part 2, 1231.2.5, or any restraint device be used for disciplinary purposes.

(e) No inmate may be deprived of the implements necessary to maintain an acceptable level of personal hygiene as specified in Section 1265 of these regulations.

(f) Food shall not be withheld as a disciplinary measure.

(g) The disciplinary isolation diet described in section 1247 of these regulations shall only be utilized for major violations of institutional rules.

(1) In addition to the provisions of Section 1247, the facility manager shall approve the initial placement on the disciplinary isolation diet and ensure that medical staff is notified.

(2) In consultation with medical care staff, the facility manager shall approve any continuation on that diet every 72 hours after the initial placement.

(h) Correspondence privileges shall not be withheld except in cases where the inmate has violated correspondence regulations, in which case correspondence may be suspended for no longer than 72 hours, without the review and approval of the facility manager.

(i) In no case shall access to courts and legal counsel be suspended as a disciplinary measure.

NOTE: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

1084. Disciplinary Records.

Penal Code Section 4019.5 requires ~~that a record is kept the keeping of a record~~ of all disciplinary infractions and punishment administered therefore. This requirement may be satisfied by retaining copies of rule violation reports and report of the disposition of each.

NOTE: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

1100. Purpose.

The purpose of this article is to establish minimum standards for local adult detention facilities, ~~Types~~ Types II and III, in which minors are lawfully detained.

Unless otherwise specified in statute or these regulations, minors lawfully held in local adult detention facilities shall be subject to the regulations and statutes governing those facilities found in Minimum Standards for Local Detention Facilities, Title 15, Division 1, Chapter 1, Subchapter 4, Section 1000 et seq. and Title 24, Part 1, Section 13-102, and Part 2, Section 1231, California Code of Regulations.

An existing jail built in accordance with construction standards in effect at the time of construction and approved for the detention of minors by the ~~Board Corrections Standards Authority~~ shall be considered as being in compliance with the provisions of this article unless the condition of the structure is determined by the ~~Board Corrections Standards Authority~~ to be dangerous to life, health or welfare of minors.

NOTE: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

1104. Supervision of Minors.

The facility administrator shall develop and implement policy and procedures that provide for:

(a) continuous around-the-clock supervision of minors with assurance that staff can hear and respond; and,

(b) safety checks of minors ~~no less than at least once~~ every 30 minutes, ~~on an irregular schedule~~. These safety checks shall include the direct visual observation of movement and/or skin. Safety checks shall not be replaced, but may be supplemented by, an audio/visual electronic surveillance system designed to detect overt, aggressive, or assaultive behavior and to summon aid in emergencies. All safety checks shall be documented.

NOTE: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

1125. Psychotropic Medications for Minors in Jail.

The health administrator/responsible physician, in cooperation with the mental health director and the facility administrator, shall develop written policies and procedures governing the use of voluntary and involuntary psychotropic medications for minors.

(a) These policies and procedures shall include, but not be limited to:

(1) protocols for physicians' written and verbal orders for psychotropic medications in dosages appropriate to the minor's need;

(2) ~~requirements that verbal orders be entered in the minor's health record and signed by a physician within 72 hours limitation to the length of time required for a physician's signature on verbal orders;~~

(3) the length of time voluntary and involuntary medications may be ordered and administered before re-evaluation by a physician;

(4) provision that minors who are on psychotropic medications prescribed in the community are continued on their medications pending re-evaluation and further determination by a physician;

(5) provision that the necessity for continuation on psychotropic medications is addressed in pre-release planning and prior to transfer to another facility or program; and,

(6) provision for regular clinical/administrative review of utilization patterns for all psychotropic medications, including every emergency situation.

(b) Psychotropic medications shall not be administered to a minor absent an emergency unless informed consent has been given by the parent/guardian or the court.

(1) Minors shall be informed of the expected benefits, potential side effects and alternatives to psychotropic medications.

(2) Absent an emergency, minors may refuse treatment.

(c) Minors found by a physician to be a danger to themselves or others by reason of a mental disorder may be involuntarily given psychotropic medication immediately necessary for the preservation of life or the prevention of serious bodily harm, and when there is insufficient time to obtain consent from the parent, guardian, or court before the threatened harm would occur. It is not necessary for harm to take place or become unavoidable prior to initiating treatment.

(d) Administration of psychotropic medication is not allowed for disciplinary reasons.

NOTE: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

1140. Purpose.

The purpose of this article is to establish minimum standards for law enforcement facilities in which minors are ~~held in secure or securely detained or held in~~ non-secure custody.

Unless otherwise specified in statute or these regulations, minors lawfully held in local adult detention facilities shall be subject to the regulations and statutes governing those facilities found in Title 15, Division 1, Chapter 1, Subchapter 4, Section 1000 et seq. and Title 24, Part 1, Section 13-102, and Part 2, Section 1231, California Code of Regulations.

Note: Authority cited: Section 6030, Penal Code; and Section 210.2, Welfare and Institutions Code. Reference: Section 6030, Penal Code; and Section 210.2, Welfare and Institutions Code.

1141. Minors Arrested for Law Violations.

Any minor taken into temporary custody by a peace officer, on the basis that they are a person described by Section 602 of the Welfare and Institutions Code, may be held in secure ~~detention~~ or non-secure custody within a law enforcement facility that contains a lockup for adults provided that the standards set forth in these regulations are met.

Note: Authority cited: Section 6030, Penal Code; and Section 210.2, Welfare and Institutions Code. Reference: Section 6030, Penal Code; and Section 210.2, Welfare and Institutions Code.

1143. Care of Minors in Temporary Custody.

- (a) The following shall be made available to all minors held in temporary custody:
- (1) access to toilets and washing facilities;
 - (2) one snack upon request during term of temporary custody if the minor has not eaten within the past four (4) hours or is otherwise in need of nourishment;
 - (3) access to drinking water; and,
 - (4) privacy during consultation with family, guardian, and/or lawyer.
- ~~(b) In addition to the above, minors placed in locked rooms shall be:~~
- ~~(51) provided~~ blankets and clothing, as necessary, to assure the comfort of the minor; and,
 - ~~(62) permitted to retain and wear~~ his or her personal clothing unless the clothing is inadequate, presents a health or safety problem, or is required to be utilized as evidence of an offense.

Note: Authority cited: Section 6030, Penal Code; and Section 210.2, Welfare and Institutions Code. Reference: Section 6030, Penal Code; and Section 210.2, Welfare and Institutions Code.

1144. Contact Between Minors and Adult Prisoners.

The facility administrator shall establish policies and procedures to restrict contact, as defined in Section 1006, between ~~detained~~ minors and adults confined in the facility.

In situations where brief or accidental contact may occur, such as booking or facility movement, facility staff (trained in the supervision of inmates) shall maintain a constant, side-by-side presence with the minor or the adult to prevent sustained contact.

Note: Authority cited: Section 6030, Penal Code; and Section 210.2, Welfare and Institutions Code. Reference: Section 6030, Penal Code; and Section 210.2, Welfare and Institutions Code.

1145. Decision on Secure DetentionCustody.

A minor who is taken into temporary custody by a peace officer on the basis that he or she is a person described by Section 602 of the Welfare and Institutions Code may be held in secure ~~detention-custody~~ in a law enforcement facility that contains a lockup for adults if the minor is 14 years of age or older and if, in the reasonable belief of the peace officer, the minor presents a serious security risk of harm to self or others, as long as all other conditions of secure ~~detentioncustody~~-set forth in these standards are met. Any minor in

temporary custody who is less than 14 years of age, or who does not in the reasonable belief of the peace officer present a serious security risk of harm to self or others, shall not be placed in secure ~~custody~~~~detention~~, but may be kept in non-secure custody in the facility as long as all other conditions of non-secure custody set forth in these standards are met.

In making the determination whether the minor presents a serious security risk of harm to self or others, the officer may take into account the following factors:

- (a) age, maturity, and delinquent history of the minor;
- (b) severity of the offense(s) for which the minor was taken into custody;
- (c) minor's behavior, including the degree to which the minor appears to be cooperative or non-cooperative;
- (d) the availability of staff to provide adequate supervision or protection of the minor; and,
- (e) the age, type, and number of other individuals who are detained in the facility.

Note: Authority cited: Section 6030, Penal Code; and Section 210.2, Welfare and Institutions Code. Reference: Section 6030, Penal Code; and Section 210.2, Welfare and Institutions Code.

1146. Conditions of Secure ~~Detention~~Custody.

While in secure ~~detention~~custody, minors may be locked in a room or other secure enclosure, secured to a cuffing rail, or otherwise reasonably restrained as necessary to prevent escape and protect the minor and others from harm.

Note: Authority cited: Section 6030, Penal Code; and Section 210.2, Welfare and Institutions Code. Reference: Section 6030, Penal Code; and Section 210.2, Welfare and Institutions Code.

1147. Supervision of Minors in Secure Custody Held Inside a Locked Enclosure.

(a) Minors shall receive adequate supervision which, at a minimum, includes:

- (1) constant auditory access to staff by the minor; and,
- (2) ~~unscheduled~~ safety checks, as defined in Section 1006, of the minor by staff of the law enforcement facility, ~~no less than every~~ at least once every 30 minutes, which shall be documented.

(b) Males and females shall not be placed in the same locked room unless under constant direct visual observation by staff of the law enforcement facility.

Note: Authority cited: Section 6030, Penal Code; and Section 210.2, Welfare and Institutions Code. Reference: Section 6030, Penal Code; and Section 210.2, Welfare and Institutions Code.

1148. Supervision of Minors in Secure ~~Detention-Custody~~ Outside of a Locked Enclosure.

Minors held in secure ~~detention-custody~~ outside of a locked enclosure shall not be secured to a stationary object for more than 60 minutes unless no other locked enclosure is available. A staff person from the facility shall provide constant direct visual observation ~~be present at all times~~ to assure the minor's safety while secured to a stationary object. Securing minors to a stationary object for longer than 60 minutes, and every 30 minutes thereafter, shall be approved by a supervisor. The decision for securing a minor to a stationary object for longer than 60 minutes, and every 30 minutes thereafter shall be based upon the best interests of the minor and shall be documented.

Note: Authority cited: Section 6030, Penal Code; and Section 210.2, Welfare and Institutions Code. Reference: Section 6030, Penal Code; and Section 210.2, Welfare and Institutions Code.

1149. Criteria for Non-Secure Custody.

Minors held in temporary custody, who do not meet the criteria for secure ~~detention custody~~ as specified in Section 207.1(d) of the Welfare and Institutions Code, may be held in non-secure custody ~~if a brief period of time is needed~~ to investigate the case, facilitate release of the minor to a parent or guardian, or arrange for transfer of the minor to an appropriate juvenile facility.

Note: Authority cited: Section 6030, Penal Code; and Section 210.2, Welfare and Institutions Code. Reference: Section 6030, Penal Code; and Section 210.2, Welfare and Institutions Code.

1151. Minors Under the Influence of Any Intoxicating Substance in Secure or Non-Secure Custody ~~Intoxicated and Substance Abusing Minors in a Lockup.~~

Facility administrators shall develop policies and procedures providing that a medical clearance shall be obtained for minors who are under the influence of drugs, alcohol or any other intoxicating substance ~~intoxicated by any substance~~, to the extent that they are unable to care for themselves.

Supervision of minors in secure ~~detention-custody in a locked room~~ who display outward signs of being under the influence of drugs, alcohol or any other intoxicating substance ~~intoxication~~ shall include safety checks at least once every 15 minutes ~~no less than once every 15 minutes~~ until resolution of the intoxicated state or release. These safety checks shall be documented, with actual time of occurrence recorded.

Supervision of minors in secure custody outside of a locked room who display outward signs of being under the influence of drugs, alcohol or any other intoxicating substance shall be supervised in accordance with Section 1148.

Supervision of minors in nonsecure ~~detention custody~~ who display outward signs of being under the influence of drugs, alcohol or any other intoxicating substance ~~intoxication~~ shall be supervised in accordance with Section 1150.

Note: Authority cited: Section 6030, Penal Code; and Section 210.2, Welfare and Institutions Code. Reference: Section 6030, Penal Code; and Section 210.2, Welfare and Institutions Code.

1203. Health Care Staff Qualifications.

State and/or local licensure and/or certification requirements and restrictions, including those defining the recognized scope of practice specific to the profession, apply to health care personnel working in the facility the same as to those working in the community. Copies of licensing and/or certification credentials shall be on file in the facility or at a central location where they are available for review.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

1205. Medical/Mental Health Records.

(a) The health authority shall maintain individual, complete and dated health records in compliance with state statute to which shall include, but not be limited to:

- (1) receiving screening form/history;
- (2) medical/mental health evaluation reports;
- (3) complaints of illness or injury;
- (4) names of personnel who treat, prescribe, and/or administer/deliver prescription medication;
- (5) location where treated; and,
- (6) medication records in conformance with section 1216.

(b) The physician/patient confidentiality privilege applies to the medical/mental health record. Access to the medical/mental health record shall be controlled by the health authority or designee.

The health authority shall ensure the confidentiality of each inmate's medical/mental health record file and such files shall be maintained separately from and in no way be part of the inmate's other jail records. The responsible physician or designee shall communicate information obtained in the course of medical/mental health screening and care to jail

authorities when necessary for the protection of the welfare of the inmate or others, management of the jail, or maintenance of jail security and order.

(c) Written authorization by the inmate is necessary for transfer of medical/mental health record information unless otherwise provided by law or administrative regulations having the force and effect of law.

(d) Inmates shall not be used for medical/mental health recordkeeping.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

1206. Health Care Procedures Manual.

The health authority shall, in cooperation with the facility administrator, set forth in writing, policies and procedures in conformance with applicable state and federal law, which are reviewed and updated at least ~~annually~~ every two years and include but are not limited to:

- (a) summoning and application of proper medical aid;
- (b) contact and consultation with private physicians;
- (c) emergency and non-emergency medical and dental services, including transportation;
- (d) provision for medically required dental and medical prostheses and eyeglasses;
- (e) notification of next of kin or legal guardian in case of serious illness which may result in death;
- (f) provision for screening and care of pregnant and lactating women, including prenatal and postpartum information and health care, including but not limited to access to necessary vitamins as recommended by a doctor, information pertaining to childbirth education and infant care, and other services mandated by statute;
- (g) screening, referral and care of mentally disordered and developmentally disabled inmates;
- (h) implementation of special medical programs;
- (i) management of inmates suspected of or confirmed to have communicable diseases;
- (j) the procurement, storage, repackaging, labeling, dispensing, administration/delivery to inmates, and disposal of pharmaceuticals;
- (k) use of non-physician personnel in providing medical care;
- (l) provision of medical diets;
- (m) patient confidentiality and its exceptions;
- (n) the transfer of pertinent individualized health care information, or individual documentation that no health care information is available, to the health authority of another correctional system, medical facility, or mental health facility at the time

each inmate is transferred and prior notification pursuant to Health and Safety Code Sections 121361 and 121362 for inmates with known or suspected active tuberculosis disease. Procedures for notification to the transferring health care staff shall allow sufficient time to prepare the summary. The summary information shall identify the sending facility and be in a consistent format that includes the need for follow-up care, diagnostic tests performed, medications prescribed, pending appointments, significant health problems, and other information that is necessary to provide for continuity of health care. Necessary inmate medication and health care information shall be provided to the transporting staff, together with precautions necessary to protect staff and inmate passengers from disease transmission during transport.

(o) forensic medical services, including drawing of blood alcohol samples, body cavity searches, and other functions for the purpose of prosecution shall not be performed by medical personnel responsible for providing ongoing care to the inmates.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

1208. Access to Treatment.

The health authority, in cooperation with the facility administrator, shall develop a written plan for identifying ~~assessing, treating~~ and/or referring any inmate who appears to be in need of medical, mental health or developmental disability treatment at any time during his/her incarceration subsequent to the receiving screening. The written plan shall also include the assessment and treatment of such inmates as described above. Assessment and treatment shall be performed by either licensed health personnel or by persons operating under the authority and/or direction of licensed health personnel. ~~This evaluation shall be performed by licensed health personnel.~~

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

1217. Psychotropic Medications.

The responsible physician, in cooperation with the facility administrator, shall develop written policies and procedures governing the use of psychotropic medications. An inmate found by a physician to be a danger to him/herself or others by reason of mental disorders may be involuntarily given psychotropic medication appropriate to the illness on an emergency basis. Psychotropic medication is any medication prescribed for the treatment of symptoms of psychoses and other mental and emotional disorders. An emergency is a situation in which action to impose treatment over the inmate's objection is immediately necessary for the preservation of life or the prevention of serious bodily harm to the

inmate or others, and it is impracticable to first gain consent. It is not necessary for harm to take place or become unavoidable prior to treatment.

If psychotropic medication is administered during an emergency, such medication shall be only that which is required to treat the emergency condition. The medication shall be prescribed by a physician ~~in written form in the inmate's record~~ following a clinical evaluation. ~~(either in person or by telephone). Verbal orders shall be entered in the inmate's record and signed by the physician within 72 hours.~~ The responsible physician shall develop a protocol for the supervision and monitoring of inmates involuntarily receiving psychotropic medication.

Psychotropic medication shall not be administered to an inmate absent an emergency unless the inmate has given his or her informed consent in accordance with Welfare and Institutions Code Section 5326.2, or has been found to lack the capacity to give informed consent consistent with the county's hearing procedures under the Lanterman-Petris-Short Act for handling capacity determinations and subsequent reviews.

There shall be a policy which limits the length of time both voluntary and involuntary psychotropic medications may be administered and a plan of monitoring and re-evaluating all inmates receiving psychotropic medications, including a review of all emergency situations.

The administration of psychotropic medication is not allowed for disciplinary reasons.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

1241. Minimum Diet.

The minimum diet provided shall be based upon the nutritional and caloric requirements found in the ~~1999-2002~~ 2011 Dietary Reference Intakes (DRI) of the Food and Nutrition Board, Institute of Medicine of the National Academies, the ~~1990-2008~~ California Daily Food Guide, and the ~~2005-2010~~ Dietary Guidelines for Americans.—Facilities electing to provide vegetarian diets, and facilities that provide religious diets, shall also conform to these nutrition standards. The nutritional requirements for the minimum diet are specified in the following subsections. A daily or weekly average of the food group's requirement is acceptable. A wide variety of food should be served.

(a) Protein Group. Includes beef, veal, lamb, pork, poultry, fish, eggs, cooked dry beans, peas, lentils, nuts, peanut butter and textured vegetable protein (TVP). One

serving equals 14 grams or more of protein; the daily requirements shall be equal to three servings (a total of 42 grams per day or 294 grams per week). In addition, there shall be a requirement to serve a fourth serving from the legumes three days a week.

(b) Dairy Group. Includes milk (fluid, evaporated or dry; nonfat, 1% or 2% reduced fat, etc.); cheese (cottage, cheddar, etc.); yogurt; ice cream or ice milk; and pudding. A serving is equivalent to 8 oz. of fluid milk and provides at least 250 mg. of calcium. All milk shall be pasteurized and fortified with Vitamins A and D. The daily requirement is three servings. One serving can be from a calcium-fortified food containing at least 250 mg. of calcium. For persons 15-17 years of age, or pregnant and lactating women, the requirement is four servings of milk or milk products. ~~One serving can be from a calcium-fortified food containing at least 250 mg. of calcium.~~

(c) Vegetable-Fruit Group. Includes fresh, frozen, dried and canned vegetables and fruits. One serving equals: 1/2 cup vegetable or fruit; 6 ounces of 100% juice; 1 medium apple, orange, banana, or potato; 1/2 grapefruit; or 1/4 cup dried fruit. The daily requirement of fruits and vegetables shall be five servings. At least one serving shall be from each of the following three categories:

- (1) One serving of a fresh fruit or vegetable per day, or seven (7) servings per week.
- (2) One serving of a Vitamin C source containing 30 mg. or more per day or seven (7) servings per week.
- (3) One serving of a Vitamin A source, fruit or vegetable, containing 200 micrograms Retinol Equivalents (RE) or more per day, or seven servings per week.

(d) Grain Group. Includes bread, rolls, pancakes, sweet rolls, ready-to-eat cereals, cooked cereals, corn bread, pasta, rice, tortillas, etc. and any food item containing whole or enriched grains. At least three servings from this group must be made with some whole grains. The daily requirements shall be a minimum of six servings.

Providing only the minimum servings outlined in this regulation is not sufficient to meet the inmates' caloric requirements. Additional servings from the dairy, vegetable-fruit, and bread-cereal groups must be provided in amounts to meet caloric requirements. In keeping with chronic disease prevention goals, total dietary fat should not exceed 30 percent of total calories on a weekly basis. Fat shall be added only in minimum amounts necessary to make the diet palatable.

Note: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.